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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/674,710	01/29/00	ILAN	G P-1653-US

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PM82/0614

EXAMINER

BEAULIEU, Y

ART UNIT	PAPER NUMBER
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3661

*9*

DATE MAILED: 06/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Applicati n N .

09/674,710

Applicant(s)

ILAN ET AL.

Examiner

Yonel Beaulieu

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 8.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 1 – 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "said device" lacks clear antecedent basis because a device per se has not positively been identified and it is not readily clear as to whether Applicants are referring to the 'apparatus' or the 'at least one appliance' or the 'vehicle.'

Regarding claim 20, "said at least one appliance" (line 6) lacks clear antecedent basis because the preamble calls for a specific appliance where the phrase "at least one" suggests a plurality

Claims 2 – 19 and 21 – 24 are necessarily rejected as being dependent upon the rejection of claim 1 above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3, 5, 6, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Blackburn et al. (US 6,157,372A).

Regarding claims 1, 3, 5, 6, and 20, Blackburn et al. teaches an apparatus for and method of controlling at least one appliance (from the group 12 as illustrated in fig. 1) comprising a command recognition module (52/44) having a command data set therein and receiving via an interface (54) through receiver (60) a handwritten signal – the module being connected to the at least one appliance (see fig. 1); associating the signal with a command data for controlling the at least one appliance; and communicating (via bus 56) the signal to the appliance (col. 2: 23 – 37; col. 3: 48 – 65); the apparatus further including a touchpad (46) and a handwriting recognizer connected thereto (see figs. 3, 8, and 9 at least).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 7 – 9, 11 – 17, 19, and 21 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn et al. ('372) in view of Sawada (US 5,754,430A).

As discussed above, Blackburn et al. teaches all of the limitations except for the inclusion of a microphone and a voice recognizer connected thereto, making one of the a navigation system.

However, Sawada teaches, in the same field of endeavor of controlling at least one appliance in a vehicle, the inclusion of a microphone (41) and a voice recognizer (40) connected thereto (see fig. 3; note col. 6: 41 – 54 at least) and making one of the appliances a navigation system (see fig. 2; col. 6: 1 – 40 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Blackburn et al.'s apparatus by including a microphone and a voice recognizer connected thereto, making one of the a navigation system as evidenced by Sawada for versatility.

Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn et al. (372) in view of Opel (US 5,555,502A).

As discussed above, Blackburn et al. teaches all of the limitations except for making one of the appliances a cellular telephone and a car alarm.

However, Opel teaches, in the same field of endeavor of apparatus controlling appliances within a vehicle, making one such appliances a cellular telephone (see fig. 13) and a car alarm (see fig. 12; overall, note col. 8: 17 – 31 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Blacknurn et al.'s apparatus by making one of the appliances a cellular telephone and a car alarm as evidenced by Opel in order to enhancing efficiency of the apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on Monday to Friday (0630-1600), first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. CUCHLINSKI can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and same for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Y. Beaulieu

June 12, 2001

  
YVES BEAULIEU  
PATENT EXAMINER